

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Defendant  
New Jersey Transit Corporation

By: Adam K. Phelps  
Deputy Attorney General  
Department of Law and Public Safety  
Division of Law  
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Newark, New Jersey 07105  
(973) 491-7035

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ROBERT FOUCHE, : Civil Case No.: 2:09-cv-03766  
: Civil Action  
Plaintiff, :  
vs. : NOTICE OF MOTION FOR  
: SUMMARY JUDGMENT  
NEW JERSEY TRANSIT CORPORATION, :  
Defendant. :  
:

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To: Matthew B. Weisberg, Esquire  
Prochniak Weisberg, P.C.  
7 South Morton Avenue  
Morton, Pennsylvania 19070  
Attorney for Plaintiff

**PLEASE TAKE NOTICE** that pursuant to Rule 56 of the Federal Rules of Civil Procedure, the undersigned, attorney for defendant New Jersey Transit Corporation ("NJ Transit") shall move before U.S. Magistrate Judge Madeline Cox Arleo at the United States District Court, U.S. Courthouse, M.L. King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark,

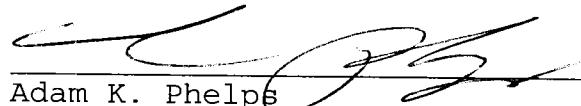
New Jersey 07102, for an order granting summary judgment on behalf of NJ Transit.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion undersigned counsel shall rely upon the annexed Brief, Statement of Undisputed Material Facts and Affidavits of Adam K. Phelps, DAG. A proposed form of order is also being submitted.

Respectfully Submitted,

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Defendant

By:

  
Adam K. Phelps  
Deputy Attorney General

Dated: December 29, 2010